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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92061516
Party	Defendant WeDo, Inc.
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Date	12/02/2015
Attachments	18221037_Answer_to_Petition_w-_Exhibit_(12-2-15).PDF(85752 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

WeddingWire, Inc.

Cancellation No. 92061516

Mark: WEDO

Petitioner,

Reg. No.: 4,338,563

v.

WeDo, Inc.

Respondent.

ANSWER & AFFIRMATIVE PLEADING

WeDo, Inc. (“WeDo” or “Respondent”) answers WeddingWire, Inc.’s (“WeddingWire” or “Petitioner”) Petition for Cancellation (“Petition”) as follows:

1. Respondent lacks knowledge and information sufficient to form a belief as to the allegations contained in paragraph 1 of the Petition and therefore denies the same.

2. Respondent lacks knowledge and information sufficient to form a belief as to the allegations contained in paragraph 2 of the Petition and therefore denies the same.

3. Admitted.

4. Admitted.

5. Denied.

6. Admitted that Respondent owns the webpage located at www.wedo.co. The remaining allegations in paragraph 6 of the Petition are denied.

7. Denied.

8. Denied.

9. Denied.
10. Denied.
11. Respondent incorporates by reference its admissions and denials to paragraphs 1 through 10 of the Petition.
12. Denied.
13. Respondent incorporates by reference its admissions and denials to paragraphs 1 through 12 of the Petition.
14. Denied.
15. Respondent incorporates by reference its admissions and denials to paragraphs 1 through 14 of the Petition.
16. Denied.

Affirmative Pleading

Pursuant to TBMP 311.02(d), WeDo provides the following amplification of its denials to give WeddingWire further notice its defense:

1. U.S. consumers first used the WEDO® mobile application at a wedding in September 2012.
2. Before and after the September 2012 wedding, WeDo has been actively developing its mobile application and recruiting consumers to engage in testing its mobile application.
3. Within the last year, WeDo rolled out an updated version of the WEDO mobile application and the updated version continues to undergo consumer product testing.

4. WeDo alleged first use of its trademark in reliance on the advice of counsel and TMEP sections 904.03(i)(D) and 904.03(e), which explain that websites and software in a beta version provide appropriate specimens of use and support use of a trademark in U.S. commerce.

5. WeDo has never abandoned its use of the WEDO trademark as it continues to develop its product, advertise and promote its product and recruit consumers to test its product.

6. WeDo has not turned away any requests from customers that contact WeDo through its website and request to try the current version of its WEDO mobile application. Thus, the WEDO mobile application is available for public use, and is currently in use by consumers in three different states and one foreign country.

7. WeDo did not engage in fraud on the trademark office because consumers used the WEDO mobile application prior to the 2012 filing date of its U.S. trademark application. Moreover, WeDo relied on specific guidance in the TMEP that provides that software products in a beta testing phase can still be in use in U.S. commerce.

8. WeddingWire, which claims to be the nation's leading technology company serving the wedding industry, was well aware that WeDo was using its WEDO mark because Sonny Ganguly, WeddingWire's chief marketing officer, "favorited" a WeDo Twitter post, as shown in Exhibit A.

9. Mr. Ganguly also contacted WeDo in April 2015 to ask about purchasing the www.wedo.co domain name. WeDo responded to WeddingWire's inquiry with an offer to discuss its WEDO product with WeddingWire, but WeddingWire declined the invitation to learn about WeDo's product. Instead, WeddingWire hired attorneys to file this Petition in an attempt to bully WeDo, a start-up company with a limited legal budget, out of the market under the WEDO brand.

Respectfully submitted,

WeDo, Inc.

By its Attorneys,

Date: December 2, 2015

/katrinaghull/
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CERTIFICATE OF SERVICE AND MAILING

I hereby certify that a true and correct copy of the foregoing Answer is being served upon
Petitioner's Attorney of Record by first-class mail, with a courtesy copy sent by e-mail:

Jennifer Lee Taylor
MORRISON & FOERSTER LLP
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San Francisco, CA 94105
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and that a copy of the same was filed electronically on the same date via ESTTA with the
Trademark Trial and Appeal Board.

Date: December 2, 2015

/katrinaghull/
Katrina G. Hull

sonny Ganguly (@sonnyg) favorited one of your Tweets!

Inbox x

Exhibit A



Sonny Ganguly (via Twitter) <notify@twitter.com> [Unsubscribe](#)
to WeDo

Apr 22



WeDo,
Your Tweet got favorited!



WeDo
@wedo

Pitching for investors at the Elevator Pitch
Olympics. That's me in the photo
m.host.madison.com/wsj/business/p...

12:04 AM - 07 Nov 13



Favorited by



Sonny Ganguly @sonnyg

*CMO @WeddingWire, marketing strategist, technology enthusiast,
entrepreneur, angel investor, industry speaker, wine connoisseur,
Ravens fan, #dctech supporter*

See what else @sonnyg is favoriting.

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Twitter, Inc. 1355 Market St., Suite 900 San Francisco, CA 94103